

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TIMOTHY G. HENSON,

Plaintiff,

v.

RON CARTER, RON NEAL, and
GEORGE PAYNE,

Defendants.

CAUSE NO.: 3:18-CV-474-JD-MGG

OPINION AND ORDER

Timothy G. Henson, a prisoner without a lawyer, filed a document captioned, “Plaintiff’s Motion for Preservation of Evidence From Spoliation.” ECF 1 at 1. In it, he asks the defendants to preserve “from destruction or spoliation prior to the filing of a lawsuit” six types of evidence (lettered a through f). ECF 1 at 12-13. This is not the first time he has filed such a document. Last year he filed *Henson v. Carter*, 3:17-CV-412-JD-MGG (N.D. Ind. filed May 26, 2017) against two of the three defendants named in this case. The filing in that case was titled, Plaintiff’s Motion for Protective Order to Immediately Preserve Evidence From Spoliation until Filing of Civil Complaint. *Id.*, ECF 1 at 1. Though based on different claims and seeking to preserve different evidence, the nature of the filing and the relief sought was the same. In the order dismissing that lawsuit, Henson was told, “This motion to preserve evidence is unnecessary [and] Henson knows this.” *Id.*, ECF 2-1 at 1.

As before, the motion with which Henson began this lawsuit is unnecessary and Henson has unequivocally stated he does not want to file a lawsuit at this time. For these reasons, this case is DISMISSED WITHOUT PREJUDICE as inadvertently opened.

SO ORDERED on July 6, 2018

/s/ JON E. DEGUILIO
JUDGE
UNITED STATES DISTRICT COURT